

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

ROGELIO YOUNG,

Plaintiff

-vs-

DECISION and ORDER
12-CV-6251-CJS-MWP

EDITH PICKENS,

Defendant

Siragusa, J. This case was referred to Magistrate Judge Marion W. Payson pursuant to 28 U.S.C. § 636(b)(1)(A), (B) and (C), on July 18, 2012, ECF No. 17. Defendant moved for sanctions pursuant to Federal Rule of Civil Procedure 37(b)(2)(A)(iii), (v) and (d), by Notice of Motion filed on July 22, 2016, ECF No. 68. The motion was served by Defendant on Plaintiff at his address on Madison Avenue, New York City, which is on file with the Court. Judge Payson issued a Report and Recommendation on March 2, 2017, ECF No. 73, recommending that the case be dismissed with prejudice. The Clerk sent a copy of the Report and Recommendation to Plaintiff at the same Madison Avenue address on March 2, 2017. To date, Plaintiff has not filed any objection to Judge Payson's recommended disposition of the motion. Accordingly, the Court accepts Magistrate Judge Payson's Report and Recommendation. Therefore, Defendants' motion for sanctions, ECF No. 68, is granted and the Clerk is directed to enter judgment for Defendants.

IT IS SO ORDERED.

Dated: Rochester, New York
March 23, 2017 ENTER:

/s/ Charles J. Siragusa
CHARLES J. SIRAGUSA
United States District Judge